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S. B. REGISTRY.
No. D 2114
Date 31 5 37

May 28, 1937. Morning Translation.

Min Pao and other local newspapers (Nanking Telegram):-

THEFTS OF TELEPHONE WIRES TO BE DRAFT WITH BY MILITARY COURTS

In view of the frequent thefts of telephone wires that have been taking place in various districts recently, the Military Affairs Commission has petitioned the Central Political Council to introduce appropriate amendments in the provisions of Section 5 of Article 4 of the Provisional Measures Governing the Punishment of Bandits, so that in future wherever such cases of theft take place, they may all be dealt with by the Military Authorities.

It is learned that the Cental Political Council has approved of this request and has requested the National Government to notify the various authorities concerned for compliance with the arrangement.

CHIN

Law Governing the Punishment of Persons who commit acts with intent to injure the Republic of China.

S. B. D. 2114.
12 - 3 - 31.

(Promulgated on January 31, 1931)

Article 1. Whoever commits, with intent to injure the Republic of China, any one of the following acts shall be punished with death:

1. Disturbs the public peace.
2. Secretly communicates with a foreign country and plots to disturb the public peace.
3. Conspires together with rebels and plots to disturb the public peace.
4. Incites military men to violate discipline, abandon their duties or to conspire with rebels.

Article 2. Whoever commits, with intent to injure the Republic of China, any of the following acts shall be punished with death or life imprisonment:

1. Incites others to disturb the public peace or conspires with rebels.
2. Spreads rebellious propaganda by writings, drawings or lectures.

Article 3. Whoever commits any of the following acts shall be punished with life imprisonment or with imprisonment for not less than 10 years:

1. Incited by offenders under Article 1, Subsection 4, violates military discipline, abandons their duties, or conspires with rebels.
2. Incited by offenders under Article 2, Subsection 1, disturbs the public peace or conspires with rebels.
3. Incited by offenders under Article 2, Subsection 2, repeats propaganda (It is inferred although not expressly stated that the propaganda is the same as mentioned in Article 2, Subsection 2).

Whoever commits the offences specified in this Article and surrenders himself shall have his punishment reduced or remitted.

Article 4. Whoever knowingly harbours a rebel and fails to report same shall be punished with imprisonment for not less than five years.

Whoever commits the offence specified in this Article and surrenders himself shall have his punishment reduced or remitted.

Article 5. Whoever commits, with intent to injure the Republic of China, any of the following acts shall be punished with death or imprisonment for not less than ten years:

1. Purchases, provides or transports for rebels military supplies.
2. Discloses or transmits political or military secrets to rebels.
3. Destroys means of communication.

Article 6. Whoever with intent to injure the Republic of China organizes associations, holds meetings, or propagates a doctrine irreconcilable with the Three Peoples Principles shall be punished with imprisonment for not less than five nor more than fifteen years.

Article 7. Violators of this Law shall be tried by the highest local military organ in districts where martial law is in force, and by a Provisional Court composed of a magistrate and two judicial officials in districts where bandit suppresion is in operation.

Such Provisional Court shall be established in the Hsien Government and the magistrate shall be the presiding judge.

Article 8. Where sentences are given by military organs for offences under this Law the case shall be forwarded to the Higher Military Organ having jurisdiction for confirmation before such sentences can be executed.

Where sentences are given by a Provisional Court, the case shall be forwarded to the high court for confirmation before such sentences can be executed and also reported to the Provincial Government for record.

If the military organ having jurisdiction or the high court considers the case to be wrongly decided they shall direct a retrial or send an official to try the case jointly.

Article 9. A military or police organ which arrests an offender suspected of having committed an offence mentioned in this Law, shall immediately inform the organization concerned.

Article 10. In the absence of any specific provisions in this Law, the provisions in the Criminal Code shall be applicable.

Article 11. The duration of the validity of this Law and the date of its enforcement shall be fixed by a mandate.

The Provisional Anti-Revolutionary Act shall be abolished on the day of enforcement of this Law.

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THE SHANGHAI SUNDAY TIMES, MARCH 8, 1931.

The Chinese criminal code relating to the suppression of counter-revolutions promulgated on March 9, 1928, by the National Government was abolished on March 1, when it was replaced by a new law entitled the law governing the punishment of persons "Who commit acts with intent to injure the Republic of China." According to it reactionaries are rebels and not counter-revolutionaries.

Reg.
Please keep.

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The Shanghai Evening Post & Mercury, Saturday, March 7, 1931

"Counter-Revolutionary" Law Of China Goes Into Oblivion

The provisional criminal code for the suppression of counter revolution, placed into effect by the Nanking Government, on March 9, 1928, has been abolished. It ceased to function on March 1 of this year, District Court officials stated today. It was replaced on the same date with a new law known as the law govering the punishment of persons "who commit acts with intent to injure the Republic of China."

The new law was promulgated by the judicial yuan on January 31 of this year and differs from the old counter-revolutionary act insofar as the Nanking Government no longer is referred to as a revolutionary organization. It is spoken of only as the government of the republic and its internal enemies are rebels and reactionaries, not counter-revolutionists.

Local legal authorities believe that the new law is applicable to the International Settlement with the exception of the 7th, 8th and 9th of its 11 articles. These articles provide that rebels and reactionaries shall be tried by the highest local military organ in districts where martial law is in force, and by a provisional court composed of a magistrate and two judicial officials in districts where bandit suppression is in operation. The old counter-revolutionary act applied in the Settlement.

Death or imprisonment for not less than 10 years is provided for persons engaged in purchasing, providing or transporting rebel supplies; for persons engaged as rebel spies and for persons caught destroying government communications. Five to 15 years imprisonment is provided for persons propagating a doctrine irreconcilable with the People's Three Principles.

Reg. Please keep.
9:3:31.

Emergency Law for the Punishment of Persons whose Activities Endanger the Safety of the Republic of China.

SHANGHAI ... No. S. B. D. 2114. ate 7 - 3 - 31

(Promulgated on January 31, 1931.)

Article 1. Whoever commits one of the following acts with an aim to endanger the safety of the Republic of China shall be punished with death:

1. By disturbing the public peace;

2. By intentionally intriguing with any foreign state with intent to disturb the public peace;

3. By co-operating with rebels with intent to disturb the public peace;

4. By instigating persons in the army or navy to violate military orders, to abandon their duties or to co-operate with rebels.

Article 2. Whoever commits one of the following acts with an aim to endanger the safety of the Republic of China shall be punished with death or life imprisonment:

1. By inciting any person to disturb the public peace, or co-operating with rebels;

2. By spreading reactionary propaganda by speech, writing, or pictures.

Article 3. Whoever commits one of the following acts shall be punished with life imprisonment, or a term of imprisonment above ten years.

1. By violating military orders, abandoning their duties, or co-operating with rebels as a result of the influence of the offender mentioned under Article 1 Section 4 of this Law;

2. By disturbing the public peace or co-operating with rebels as a result of the influence of the offender mentioned under Article 2 Section 1 of this Law;

3. By spreading in turn reactionary propaganda as a result

of the influence of the offender mentioned under rticle 2 Section 2 of this Law.

Whoever commits the offences specified in the above Paragraph of this rticle and voluntarily surrenders himself, the prescribed punishment may be reduced or exempted.

rticle 4. Whoever harbours any person whom he clearly knows to be a rebel and fails to make a report to the proper authority shall be punished with a term of imprisonment above five years.

Whoever commits the offence specified in the above Paragraph of this rticle and voluntarily surrenders himself, the prescribed punishment may be reduced or exempted.

rticle 5. Whoever commits one of the following acts with an aim to endanger the safety of the Republic of China shall be punished with death, life imprisonment, or term of imprisonment above ten years.

1. By purchasing or transporting arms for rebels;

2. By disclosing or delivering any political or military secrets to rebels;

3. By destroying any means of communication.

rticle 6. Whoever organizes associations or gathers meetings with an aim to endanger the safety of the Republic of China or spreads doctrines contrary to the Three People's Principles shall be punished with a term of imprisonment above five years but below fifteen years.

rticle 7. Whoever commits any of the offences specified in this law in a district where the martial law is in force shall be

tried by the local highest military organ and in a district where bandit suppression is in operation shall be tried by a provisional court composed of the Magistrate and two judicial officials.

The provisional court shall be established in the District government and the Magistrate shall be the presiding Judge.

Article 8. Where the various offences sentenced under this law are tried by a military organ, the sentences shall be executed after a resume of the case has been submitted to and approved by the superior military organs; here the various offences sentenced under this law are tried by the provisional court, the sentences shall be executed after a resume of the case has been submitted to and approved by the high court and at the same time the case is reported to the provincial government for record.

When the superior military organ or high court concerned considers that there is some doubt in the case tried by its subordinates should order for a retrial or send officials to try the case jointly.

Article 9. When a military organ or police organ has arrested any offender suspected of having committed the offences mentioned under this Law shall immediately inform the proper authority concerned.

Article 10. In the absence of any specific provisions in this

law, the provisions in the Criminal Code shall be applicable.

Article 11. The duration for the validity of this Law and the date of its enforcement shall be fixed by a mandate.

The Provisional Counter-revolutionary Act shall be abolished on the day of enforcement of this Law.

National Government General Order.

Dated the 28th Day of the 2nd Moon of the 20th Year of the Republic of China.

(Published on the National Government Gazette No. 711 p. 18)

This Government has decided that March 1st of this year will be the date for the enforcement of the Emergency Law for the Punishment of the Persons whose Activities Endanger the Safety of the Republic of China.

Order is hereby given.

President: Chiang Chung Tsung
President of the Executive Yuan: Chiang Chung Tsung
President of the Judicial Yuan: Wang Chung Hui

National Government Hsun Ling.

No. 123. Dated 28/2/20.

(Published on the National Government Gazette No. 711 p. 16)

This Government has found that the Emergency Law for the Punishment of Persons whose Activities Endanger the Safety of the Republic of China has been formulated and promulgated and has further found that the date of its enforcement shall be fixed by a mandate. It has been decided that March 1st of this year will be the date for its enforcement. Aside from a general order has been issued, this separate order is hereby issued and circulated. You are ordered to note accordingly. You will also instruct your subordinates to note accordingly.

President: Chiang Chung Tsung
President of the Executive Yuan: Chiang Chung Tsung
President of the Judicial Yuan: Wang Chung Hui.

危害民國緊急治罪法　二十年一月三十一日公布

第一條　以危害民國爲目的而有左列行爲之一者處死刑

一　擾亂治安者

二　私通外國圖謀擾亂治安者

三　勾結叛徒圖謀擾亂治安者

四　煽惑軍人不守紀律放棄職務或與叛徒勾結者

第二條　以危害民國爲目的而有左列行爲之一者處死刑或無期徒刑

一　煽惑他人擾亂治安或與叛徒勾結者

二　以文字圖畫或演說爲叛國之宣傳者

第三條　有左列行爲之一者處無期徒刑或十年以上有期徒刑

一　爲第一條第四款之罪犯所煽惑而不守紀律放棄職務或與叛徒勾結者

二　爲第二條第一款之罪犯所煽惑而擾亂治安或與叛徒勾結者

三　爲第二條第二款之罪犯所煽惑而爲之展轉宣傳者

犯前項之罪而自首者減輕或免除其刑

第四條　明知其爲叛徒而窩藏不報者處五年以上有期徒刑

犯前項之罪而自首者減輕或免除其刑

第五條　以危害民國爲目的而有左列行爲之一者處死刑

一　盜匪擾亂或運輸軍用品者

二　以武力上或軍事上之破壞行為破壞於叛徒者

三　破壞交通者

第六條　以危害民國為目的而組織團體或集會或宣傳與三民主義不相容之主義者處五年以上十五年以下有期徒刑

第七條　犯本法所定各罪者在戒嚴區域內由記團域最高軍事機關逕行之在軍團區域內由軍長及司法官二人組織審判之

區域法院對於區域內以軍長或軍長

第八條　依本法判處各罪由軍事機關審判者得經最上級軍事機關核准後方得執行

由國防法庭審判者得經軍事法院核准後方得執行並得發還原管

犯罪上級軍事機關審判之院對於所屬審判案件

認為有覆核或令再審或派員會審

第九條　軍事機關逮捕本法所指犯罪行為之罪犯時應立即通知有關之主管機關

第十條　本法未規定者適用刑法之規定

第十一條　本法有效期間及施行日期以命令定之

暫行反革命治罪法於本法施行之日廢止

國民政府令　二十年二月二十八日公布

茲定自本年三月一日起爲危害民國緊急治罪法施行日期

此令

主席　蔣中正

行政院院長　汪精衛

司法院院長　王寵惠

國民政府訓令第一二三號

二十年二月二十八日

令直轄各機關

爲令知事查危害民國緊急治罪法前經國府公布並規定施行日期以令令定之在案茲定自本年三月一日起爲起訖施行日期除明令公布並分行外合行令仰知照並轉飭所屬一體知照此令

主席　蔣中正

行政院院長　汪精衛

司法院院長王寵惠